



06-14-01

A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11998.5USC2				3736

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL815525315US  
Date of Deposit: June 13, 2001

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

By: Omesh Singh  
Name: Omesh Singh

BET  
7-24-01  
#2/ PRE  
Amot  
A

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

## BOX PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/565,621, filed on May 4, 2000 entitled CARDIAC DISEASE TREATMENT AND DEVICE by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	ALFERNES	CLIFTON	A.
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	REDMOND	WASHINGTON	USA
Post Office Address	Post Office Address	City	State & Zip Code/Country
	9010 258TH AVENUE NORTHEAST	REDMOND	WASHINGTON 98053/USA
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	RAMAN	JAI	SHANKAR
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	NORTH BALDWIN	AUSTRALIA	AUSTRALIA
Post Office Address	Post Office Address	City	State & Zip Code/Country
	30 THE BOULEVARD	NORTH BALDWIN	VICTORIA 3104/AUSTRALIA
Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	POWER	JOHN	MELMOUTH
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	WILLIAMSTOWN	AUSTRALIA	AUSTRALIA
Post Office Address	Post Office Address	City	State & Zip Code/Country
	65 HANNAN STREET	WILLIAMSTOWN	VICTORIA 3016/AUSTRALIA

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 15 pages of specification, 17 claims, 1 pages of abstract, 7 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ Cancel original claims 2-17 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 14 -20	0	x	\$9.00	
INDEPENDENT CLAIMS 3 -3	0	x	\$40.00	
			BASIC FILING FEE:	\$355.00
			TOTAL FILING FEE:	\$355.00

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of \$355.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

6. ☒ Amend the specification by inserting before the first line the sentence:

A1 "This application is a continuation of application Serial No. 09/565,621, filed May 4, 2000, which is a continuation of application Serial No. 09/114,510, filed July 13, 1998, which application(s) are incorporated herein by reference."


7. ☒ A set of formal drawings (7 sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Acorn Cardiovascular, Inc. located at St. Paul, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

- Date: June 13, 2001

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

812.332.3300  
  
Melissa Jean Pytel  
Reg. No. 41,512  
MPytel:PSTdb



S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNESS ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.5USC2
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL815525315US  
Date of Deposit: June 13, 2001

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail, Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Omesh Singh

Name: Omesh Singh

COMMUNICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231



Dear Sir:

Applicant would like to bring to the attention of the Examining Attorney the existence of commonly assigned application Serial Nos. 09/565,621, filed May 4, 2000, and 09/431,605, filed November 1, 1999, both of which include claims directed to pacing in combination with cardiac constraint.

If the Examining Attorney has any questions regarding this matter, please contact the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: June 13, 2001

Melissa Jean Pytel  
Reg. No. 41,512  
MJP:PSTpmc